RESOLUTION NO. 7

Series, 1964

BEFORE THE CITY COUNCIL OF THE CITY OF ELGIN, UNION COUNTY, OREGON:

A RESOLUTION INITIATING VACATION PROCEEDINGS FOR THE VACATION OF A PORTION OF SOUTH 7th AVENUE OF THE CITY OF ELGIN, WHICH STREET WAS PLATTED AS SPRUCE STREET AND THAT PORTION OF SAID STREET WHICH WAS CREATED FROM LOT 10 ON THE NORTH SIDE OF MAIN STREET OF ELGIN, ALL AS MORE PARTICULARLY DESCRIBED HEREINAFTER.

WHEREAS, the Council of the City of Elgin has caused an examination to be made of the following:

That portion of South Seventh Avenue of the City of Elgin, which street was platted as Spruce Street in the Plat of Hindman's Addition to Elgin, Union County, Oregon (Plat book 1, page 27) and that portion of said Street which was created from lot 10 on the North side of Main Street of Elgin (Plat book 1, page 18) subsequent to the deeding of said lot 10 to The City of Elgin (Deed Book "U", page 460), all referring to records of Union County, Oregon, and which Street is now designated and named South Seventh Avenue of the City of Elgin, particularly described as follows, to-wit:

> Commencing at the Northeast corner of lot 1, block 64, Hindman's Addition to Elgin, Union County, Oregon, as platted; thence South, along the East line of said lot 1 a distance of 100 feet to the Southeast corner of said lot 1; thence West 8.8 feet to the Northeast corner of lot 11 on the North Side of Main Street, as platted on the recorded plat of Elgin; thence South, along the East line of said lot 11, a distance of 106 feet to a point which is 14 feet North of the Southeast corner of said lot 11 as platted; thence East 14 feet to the West line of the existing concrete sidewalk; thence North, along the West line of said existing concrete sidewalk, 206 feet; thence West 5.2 feet to the point of beginning.

AND, WHEREAS, the Council of the City of Elgin has also caused an examination to be made of the properties adjacent to and adjoining said hereinabove described street and properties situated in the immediate vicinity thereof, and has found that the vacation of that portion of the hereinabove described street will not in any way adversely affect the market value of adjoining, adjacent and closely situated properties nor will cause any damages to inure thereto, and that the interest of the public therein will not be prejudiced by such vacation, and,

WHEREAS, a sidewalk has been constructed for many years on the east boundary line of the hereinabove described portion of said street, and there is no actual roadway or thoroughfare upon said portion of said street, and there are no electric transmission lines, television transmission lines, telephone transmission lines, water mains, gas lines, sewer lines, or other public utilities situated in, upon or under said portion of said street, and

WHEREAS, the property owners adjacent to said portion of said street, and each of them, have requested that said portion of said street be vacated and that the City Council initiate such vacation proceedings with respect to said portion of said street pursuant to ORS 271.130,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Elgin, Union County, Oregon, does hereby initiate proceedings for the vacation of that portion of said street more particularly hereinabove described, and will make such vacation without petition and consent of affected property owners unless good cause to the contrary be shown; and

BE IT FUTHER RESOLVED that all objections and remonstrances to such vacation shall be made in writing and filed with the City Recorder of said City, prior to the time of the hearing upon such vacation as is hereinafter described, and

BE IT FURTHER RESOLVED that the hour of eight o'clock P. M. on Tuesday, the 12th day of January, 1965, be fixed as the time and the City Council room at the City Hall of the City of Elgin, Union County, Oregon, be and the same is hereby fixed as the place for the hearing of such proposed street vacation and for consideration of any objections or remonstrances thereto or any claim for damages made as a result of such proposed street vacation, as above described.

BE IT FURTHER RESOLVED that the City Recorder be, and she is hereby directed to give notice of such proposed street vacation and the hearing thereon at the time and place above described by publication of such notice in the Elgin Recorder once each week for four consecutive and successive weeks and by posting notices of said proposed street vacation and the hearing thereon at the time and place above described, all in accordance with the provisions of ORS 271.110.

Adopted this 10th day of November, 1964.

Approved this 10th day of November, 1964.

Lloyd A. Spuhr
Mayor

Attested and filed this
10th day of November, 1964.

Ethel J. Wunderlich